

REMARKS

Claims 1-27 and 29-38 were pending in the application. Claims 1-27 and 29-38 have been canceled without prejudice or disclaimer. New claims 39-64 have been added. No new matter has been introduced. Thus, claims 39-64 are submitted for reconsideration at this time.

Rejections Under 35 U.S.C. §112, ¶2

Claims 1-27 and 30-37 stand rejected under 35 U.S.C. §112, ¶2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. As claims 1-27 and 30-37 have been canceled, this rejection is now moot.

Prior Art Rejections

Claims 1-17, 19-24, 29-30, 37 and 38 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,039,688 to Douglas ("Douglas" hereafter). Claims 18 and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Douglas. Claims 14, 20, 25-27, 30 and 32-36 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,168,563 to Brown ("Brown" hereafter). As claims 1-27 and 30-37 have been canceled, these rejections are now moot.

New Claims 39-64

New claims 39-64 have been added to more fully recite features of the present invention. Support for new claims 39-64 can be found, for example, in original claims 1-36 and throughout the specification and drawings, particularly on page 10, lines 26-28.

The presently cited art fails to disclose or suggest determining a user sophistication based on a user inquiry; searching a database at an initial level using the search request, in order to identify information requested in the user inquiry; conditioning the search results based on the user sophistication; and providing the conditioned search results at the initial level to the user as presently claimed. This distinction is described in greater detail below in view of Douglas and Brown.

U.S. Patent No. 6,039,688 (Douglas)

Douglas discloses a therapeutic behavior modification program having a series of milestones for an individual to achieve lifestyle changes necessary to maintain his or her health or recover from ailments or medical procedures (see Abstract). One aspect of

Douglas includes informative on-line multimedia presentations and interactive areas to educate the individual in order to help the individual complete the milestones (see col. 14, lines 53 to 61).

Douglas does not, however, determine the individual's sophistication and condition the informative on-line multimedia presentations or interactive areas based on the individual's sophistication. Thus, Douglas fails to anticipate the presently claimed invention for at least this distinction.

U.S. Patent No. 6,168,563 to Brown

Brown fails to rectify the aforementioned deficiencies in Douglas. Brown discloses a system that enables a health care provider to monitor and manage a health condition of a patient (see Abstract). The Brown system includes a protocol that provides information to the patient about the patient's health condition and that interactively monitors the patient health condition by asking the patient questions and by receiving answers to those questions (see Abstract). When the patient data arrives at the health care provider apparatus, the patient data is processed for further management of the patient's health condition by the health care provider (see Abstract).

The interactive monitoring of the patient health condition by Brown, however, does not determine the patient's sophistication. Rather, the interactive monitoring merely collects information about the patient's health condition, which is then used for managing the patient's health condition by the health care provider. As such, Brown also fails to anticipate the presently claimed invention for at least this distinction.

Summary

As set forth in greater detail above, both Douglas and Brown fail to disclose or suggest the claimed invention; i.e., determining a user sophistication and conditioning the search results based on the user sophistication. It should further be appreciated that it would not be obvious to one of ordinary skill in the art to modify Douglas or Brown to include such a feature, because both references start with the basic premise that the user/patient is already part of an established program being tracked by a third party, and thus have no need for determining a user sophistication and conditioning the search results based on the user sophistication. In the case of Douglas, the user is part of an established behavior modification program, such as a program for adjusting the

behavior of a diabetic (col. 1, line 30). In the case of Brown, an existing patient's medical condition is monitored to allow the medical service provider to adjust the patient's therapy program (col. 1, lines 39-46). Hence, in both Douglas and Brown, the user is already part of an established program and the information provided to the user is limited to the scope of the established treatment program (e.g., "diabetes" informant for a diabetic), *not* based on the user's sophistication.

The present invention, however, allows both users who are *new to the system* and users who are already a part of an existing system to obtain information that is conditioned based on the user' sophistication, irrespective of whether the information is also limited to a particular area of interest (e.g., diabetes). In this manner, the presently claimed invention is beneficial to both existing users *and* new users, whereas Douglas and Brown are limited to applications involving users/patients who are already part of an established program.

Thus, the presently claimed invention is believed to be patentably distinct over the presently cited art.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date July 10, 2003

By D J McNamara

FOLEY & LARDNER
Customer Number: 22428

fj / Brian J. McNamara
Attorney for Applicant
Registration No. 32,789

Telephone: (202) 672-5416
Facsimile: (202) 672-5399

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicant hereby petitions for any needed extension of time.